

\*E-Filed 2/15/11\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MAURICE JAMES PEACE II,

No. C 11-00630 RS (PR)

Petitioner,

**ORDER OF TRANSFER**

v.

SAN JOAQUIN COUNTY,

Respondent.

Petitioner is a pre-trial detainee who has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the lawfulness of his arrest and the criminal charges filed against him in San Joaquin County, which is in the venue of the Eastern District of California. Venue is proper in a 28 U.S.C. § 2241 action in favor of adjudication of the habeas claim in the jurisdiction where the habeas petitioner is confined. *See Chatman-Bey v. Thornburgh*, 864 F.2d 804, 814 (D.C. Cir. 1988); *see also McCoy v. United States Bd. of Parole*, 537 F.2d 962, 966 (8th Cir. 1976). A note in the file indicates that the Clerk of the Court informed petitioner that he should file in the Eastern District, but that he insisted on filing in the Northern District because of “racial and prejudice claims” against San Joaquin County. Such conclusory and unsupported allegations do not act as a bar to transfer. Accordingly, because petitioner is confined in the Eastern District of California, and because charges are pending against him there, this action is TRANSFERRED to the United States

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1 District Court for the Eastern District of California, pursuant to 28 U.S.C. § 1404(a) and in  
2 the interest of justice. The Clerk shall transfer this matter forthwith.

3 **IT IS SO ORDERED.**

4 DATED: February 15, 2011

  
RICHARD SEEBORG  
United States District Judge